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TS00-084



Application no. 10/082,021

2812

January 19, 2004

TO: Commissioner of Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Attn: Art Unit 2812 - Examiner Booth, Richard

FROM: George O. Saile, Reg. No. 19,572
 28 Davis Avenue
 Poughkeepsie, N.Y. 12603

SUBJECT: Serial #: 10/082,021
 File Date: Feb. 21, 2002
 Inventor: Kuei-Ying Lee
 Examiner: Booth, Richard
 Art Unit: 2812
 Title: Novel Products Derived from Embedded Flash/EEPROM Products

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RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Election of Species Requirement in the Office Action dated Dec. 17, 2003. In that office action, applicant was required under 35 U.S.C. 121

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Jan. 20, 2004.

Signature

Stephen B. Ackerman, Reg. No. 37,761

Date: Jan. 20, 2004

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to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, and that currently no claim is generic.

The species stated are:

A first embodiment directed to a method of forming a ROM product, which reads on Claims 1-31, and

A second embodiment directed to a method of providing ROM products to a customer, which reads on Claims 32-43.

Applicant provisionally elects to be examined the species described by the Examiner as the first embodiment , which reads on Claims 1-31. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Election of Species given in the Office Action, because of the increased costs applicant would be forced to bear if the two species are separately examined. Furthermore, the field of search must necessarily cover both species, in addition to other related Classes and subclasses, to provide a complete and adequate search.

Withdrawal of the Election of Species Requirement, and allowance of the present Patent Application, is therefore respectfully requested.

It is requested that should there be any problems with this response, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



Stephen B. Ackerman, Reg. No. 37,761